

Appl. No.: 10/088,731
Response dated October 2, 2007
Reply to Office action of July 5, 2007

Remarks

Applicants herewith withdraw the amendment proposed in the response filed June 6, 2007, which was not entered in the application. Applicants respectfully request that the claims as presently amended be entered in the application. The amendments to the claims are fully supported in the specification and claims as originally filed. In particular, at page 4, lines 14-17.

As presently claimed, the invention is directed to a composition comprising an alkyl and/or alkenyl oligoglycoside and at least one dicarboxylic acid monoester or salt thereof, anionic surfactant, foam stabilizer and mucous membrane compatibility enhancer where the salt is selected from the group consisting of the alkali metal salts, alkaline earth metal salts, ammonium salts, alkylammonium salts, alkanol ammonium salts and glucammonium salts, wherein, the monoester comprises a residue of a C₆₋₂₂ fatty alcohol.

As disclosed in the specification, the combination of the alkyl and/or alkenyl oligoglycoside and the salt of a dicarboxylic acid monoester, provides enhanced foam stability and enhanced mucous membrane compatibility (see Table 1, page 26).

The composition of the present invention enhances the foam stability and mucous membrane compatibility of surfactant mixtures in which the composition is introduced.

Claims 12-14, 17-20, and 23-31 are presently in the application.

All of the claims stand rejected under 35 U.S.C. 103(a) as unpatentable over Buddemeyer et al. (U.S. 3,623,887; hereinafter '887) in view of JP 09308822 (hereinafter JP '822) or vice-versa. Applicants respectfully submit that '887 and JP '822, whether considered alone or in combination, neither teach nor suggest the present invention.

'887 discloses alcohol-enhanced emulsification mixtures which are more effective emulsifiers for food products, cosmetics and pharmaceutical preparations.

The mixture comprises a fatty alcohol having from 12 to about 24 carbon atoms and one or more esters which includes a fatty alcohol mono-ester of an aliphatic dicarboxylic acid and/or any of its physiologically tolerable salts.

'887 fails as a reference since it neither teaches nor suggest the mixture of a dicarboxylic acid mono-ester or dicarboxylic acid monoester salt in combination with an alkyl and/or alkenyl oligoglycoside. There is no teaching or suggestion to remove the fatty alcohol from the composition and mix the dicarboxylic monoester with an alkyl polyglycoside.

JP '822 discloses a fine emulsion utilizing an emulsifier comprising an alkyl polyglycoside and a polyglycerol ester. There is neither teaching nor suggestion in JP '822 that the composition would be useful as a foam stabilizer and mucous membrane compatibility-enhancer in a cosmetic or pharmaceutical composition. There is no teaching or suggestion that a useful emulsifier would be obtained by removing the polyglycerol ester from the composition and mixing the polyglycoside with a monoester of a dicarboxylic acid.

The Examiner states that it would be obvious to combine the teachings of '887 with the teachings of JP '822 to arrive at a composition containing a dicarboxylic acid monoalkyl ester and an oligoglycoside.

Applicants respectfully submit that the combination of references, proposed by the Examiner fails to make the present invention obvious since there is neither teaching nor suggestion that modifying the two compositions and combining the two modified compositions would provide a surfactant mixture having an increase in foam stability and an increase in mucous membrane compatibility. Applicants submit that the properties of the composition of the present invention is unexpected in view of the teachings of '887 and JP '822.

Applicants have perused both references and can find no teaching or suggestion that a surfactant containing an alkyl oligoglycoside and a mono-ester of a dicarboxylic

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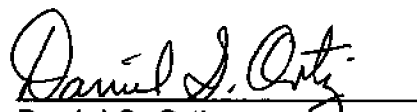
acid would have enhanced foam stability and improved or enhanced mucous membrane compatibility. These properties of the composition of the present invention are unexpected in view of the prior art references cited by the Examiner.

Although the present invention provides an excellent emulsifier, there is neither teaching nor suggestion that the composition would have a foam stabilizing effect and, in addition, an enhanced mucous membrane compatibility. Applicants submit that the properties of the composition of the present invention are unexpected in view of the teachings of the prior art.

Applicants respectfully submit that there is no teaching nor suggestion to provide a combination of the compositions of '887 with the composition of JP '822. In particular, there is neither teaching nor suggestion of the unexpected properties of the composition of the present invention.

In view of the amendment entered in the claims and the above discussion, Applicants respectfully submit that the application is in condition for allowance and favorable consideration is requested.

Respectfully submitted,


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